

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

ERNEST POPE,  
Plaintiff,

v.

Civil No. 3:20cv559 (DJN)

WELL PATH,  
Defendant.

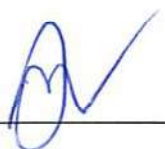
**MEMORANDUM OPINION**

Plaintiff Ernest Pope, a Virginia inmate proceeding *pro se*, filed this 42 U.S.C. § 1983 action. (ECF No. 1.) In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). In his current Complaint, Plaintiff does not identify the particular constitutional right that was violated by the defendants' conduct. Accordingly, by Memorandum Order entered on October 29, 2020, the Court directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. (ECF No. 8.) The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the October 29, 2020 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond to the October 29, 2020 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/   
\_\_\_\_\_  
David J. Novak  
United States District Judge

Richmond, Virginia  
Dated: December 31, 2020